IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 28250 of 2005(K)

{O.S.NO.467/1996 OF THE PRINCIPAL SUB COURT, KOLLAM}

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PETITIONER:

K.BALAKRISHNAN, S/O.KUNJU PILLAI,
AGED 76 YEARS, GOPALAMANGALATH VEEDU,
MAYYANAD CHERRI, MAYYANAD VILLAGE,
KOLLAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.G.SHRIKUMAR
SRIS.SUKUMAR
SRI.K.S.MOHAMMED ZIYAD

RESPONDENTS:

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1. VASUDEVAN, AGED 56 YEARS,
S/O.GOVINDAN, BHAKTHIVILASAM VEEDU,
MAYYANAD CHERRI, MAYYANAD, KOLLAM.

2. GOVINDAN PURUSHOTHAMAN, 75 YEARS,
RETD. PROFESSOR, BHKATHIVILASOM VEEDU,
MAYYANAD CHERRI, MAYYANAD, KOLLAM,
NOW RESIDING AT GOVINDABHAVAN,
MUNDAKKAL MIDDLE WARD,
MUNDAKKAL VILLAGE, KOLLAM.

3. GOVINDAN GOPINATHAN,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM NOW RESIDING
AT ARAMAM HOUSE, MAYYANAD
CHERRI, KOLLAM.

4. KUNJAMMA DEVAKI, 87 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM, NOW RESIDING
AT PULIYATHU VEEDU,
MAYYANAD, KOLLAM.

5. KUNJAMMA SARADHA, 75 YEARS,
BHAKTHIVILASOM VEEDU,
MAYYANAD CHERRI, MAYYANAD,
KOLLAM, NOW RESIDING AT KACHEELIL VEEDU,
MAYYANAD CHERRI, KOLLAM.

6. KUNJAMMA RAJAMMA, 62 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM, NOW RESIDING
AT PULIYATHU VEEDU,
MAYYANAD CHERRI, KOLLAM.

7. CHAKRAPANI SUBHADRA, 52 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
KOLLAM NOW RESIDING AT GEETHA SADANAM,
KARAMCODE P.O.,
ERATHU CHERRI,. MEENADU VILLAGE,
CHATHANNOOR, KOLLAM.

8. CHAKRAPANI BABY KAMALAM, 50 YEARS,
BHAKTHIVILASSOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM, NOW RESIDING AT
MADHAVAMANGALAM VEEDU, KADINAMKULAM,
PUTHUKURICHI, TRIVANDRUM.

9. CHAKRAPANI RADHAKRISHNAN, 47 YEARS,
BHAKTHIVILASOM VEEDU,
MAYYANAD CHERRI, MAYYANAD,
KOLLAM, NOW RESIDING AT ARCHANA VEEDU,
MAYYANAD CHERRI KOLLAM.

10. CHAKRAPANI SUJATHA, 44 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM NOW RESIDING AT
PULLANKUZHAL VEEDU, KOTTIYAM P.O.,
MAYYANAD, KOLLAM.

11. CHAKRAPANI MEENA KUMARY, 40 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
KOLLAM.

12. CHAKRAPANI SYAM SUNDER, 38 YEARS, DO.DO.

13. CHAKRAPANI ANURADHA, 36 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM, NOW RESIDING
AT RAJ BHAVAN, KADINAMKULAM,
PUTHUKURUTHI P.O., PUTHUKURUCHI,
KOLLAM.

14. SARASAMMA, 65 YEARS, W/O.NARAYANAN,
BHAKTHIVILASOM VEEDU, MAYYANAD, KOLLAM,
NOW RESIDING AT NARAYANA MANDIRAM,
CHAVARCODE, PARIPPALLY VILLAGE.

15. KASJU, 45 YEARS, S/O.KOCHUNARAYANAN,
BHAKTHIVILASOM VEEDU, MAYYANAD CHERRI,
MAYYANAD KOLLAM NOW RESIDING AT
NARAYANA MANDIRAM
CHAVARCODE, PARIPPALLY VILLAGE.

16. KOCHUNARAYANAN SURESH, 42 YEARS,
BHAKTHIVILASOM VEEDU, MAYYANAD, KOLLAM,
NOW RESIDING AT ASWATHI VEEDU, CHAVARCODE,
PARIPPALLY VILLAGE.

17. JALEELA, 39 YEARS,
D/O.KOCHUNARAYANAN,
BHAKTHIVILASOM VEEDU,
MAYYANADU CHERRI, MAYYANAD KOLLAM,
NOW RESIDING AT SANDHEYA VEEDU,
MAYYANAD CHERRI, KOLLAM.

18. JAMEELA, 30 YEARS, KOCHUNARAYANAN,
BHAKTHIVILASOM VEEDU, MAYYANADU CHERRI,
MAYYANAD, KOLLAM NOW RESIDING
AT NARAYANA MANDIRAM, CHAVARCODE,
PARIPPALLY VILLAGE.

19. N.GOWRIKUTTY, W/O.GOPINATHAN,
ARAMAM VEEDU, MAYYANAD CHERRI,
MAYYANAD, KOLLAM.

20. GOPINATHAN, JIYO, DO.DO.

21. GOPINATHAN ABI, DO.

22. P.INDIRADEVI, PULIYATHU VEEDU,
MAYYANAD CHERRI, MAYYANAD, KOLLAM.

23. P.LEELAVATHI, SUMATHI BHAVAN, DO.DO.

24. P.SASIDHARAN, SREESAILAM VEEDU, DO.DO.

25. P.VIJAYARAJAN, PULIYATHU VEEDU, DO.DO.

26. P.VIJAYACHANDRAN, PULIYATHU VEEDU, DO.

27. REMADEVI, DARSANA VEEDU, DO.

28. N.UDAYAMMA, 66 YEARS,
MUNDAKKAL MIDDLE WARD,
UDAYAMARTHANDAPURAM CHERRI,
MUNDAKKAL, KOLLAM.

29. B.P.SUBHASH, 56 YEARS, DO.DO.

30. B.P.BEENA KUMARY, 50 YEARS, DO.DO.

31. BIMAL KUMAR, AGED 45 YEARS, DO.DO.

32. SAHBI, AGED 42 YEARS,
DO.DO.

33. SUJATHA, D/O.SARADHA, AGED 60 YEARS,
VIPANCHI, MAYYANAD P.O., KOLLAM.

34. SUMANGALA, 55 YEARS, KALEELIL VEEDU,
MAYYANAD P.O., KOLLAM.

35. K.SUGATHADAS, AGED 50 YEARS, DO.DO.

RESPONDENTS 2 TO 35 ARE DELETED FROM THE ARRAY OF PARTIES AS PER ORDER DT. 6.2.06 IN WPC 28250/05

BY ADV. SRI.BABY JOSEPH (B.JOSE)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF APPLICATION DTD. 17.06.05 FILED BY THE PETITIONER UNDER ORDER I RULE 10 OF C.P.C. BEFORE THE HON'BLE PRL.SUBORDINATE JUDGE, KOLLAM.

EXT.P2: TRUE COPY OF ORDER OF PRL.SUBORDINATE JUDGE, DTD. 10.08.05 IN I.A.NO.1546/05 IN O.S.NO.467/96/

RESPONDENTS' EXHIBITS: NIL

//true copy//

P.S. To Judge

sk/-

K.A.ABDUL GAFOOR, J.

W.P.(C).No.28250 of 2005 K

Dated this the 1st day of January, 2007.

JUDGMENT

Abdul Gafoor, J.

The first respondent initiated proceedings claiming some declaratory right over the property where a school is situated. The property was originally owned by four persons. In the suit, almost three dozen persons are impleaded as defendants, who include the legal representatives of founders of the school. The petitioner, is one among the legal representatives of one among the four founders so impleaded. That is rejected by the trial court stating that, if at all any relief is granted, that will not be binding on the petitioner. Ext.P2 is the order in that regard. It is challenged in this writ petition.

2. When already 35 persons are already on the party array and when the petitioner is contending

that he is one among the legal representatives of the four founders of the school, necessarily, he has a locus standi to get himself impleaded. There was no reason to court out him.

Accordingly, Ext.P2 is set aside and Ext.P1 application is allowed impleading the petitioner herein as an additional defendant. The trial court shall carry out the necessary amendment.

Writ petition is allowed as above.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

sk/

//true copy//

K.A.ABDUL GAFOOR , J.

W.P.(C).No.28250 of 2005 K

JUDGMENT

24th January, 2007.